

C 148 JP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

OCT 15 2001

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In re patent application of:

Dunican, *et al.*

Appl. No.: 09/531,266

Filed: March 20, 2000

For: **New Nucleotide Sequences
Which Code for the TAL Gene**



Art Unit: 1652

Examiner: Steadman, D.

Atty. Dkt. 21123/258100

Response to Restriction Requirement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated September 14, 2001, in which the Examiner imposed a restriction requirement on the claims in the above-captioned application, Applicants hereby elect the inventions of restriction Group I. This includes claims 1-7, directed to polynucleotides and host cells containing polynucleotides. It is respectfully requested that the ~~claims~~ in the non-elected restriction groups be cancelled without prejudice.

This election is made without traverse.

Applicants do not believe that any fee is required for the filing of the present document. Nevertheless, if one or more extensions of time are required to prevent the application from going abandoned, then such extensions of time are hereby petitioned and any fees therefor may be charged to our Deposit Account No. 03-3975.

If the Examiner believes that a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (703) 905-2173.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By: Michael A. Sanzo
Michael A. Sanzo
Reg. No. 36,912
Attorneys for Applicants

Date: October 10, 2001
1600 Tysons Boulevard
McLean, VA 22120
Tel. (703) 905-2173

MAS/amx

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): DUNCAN et al.

Appln. No.: 09

Series Code ↑

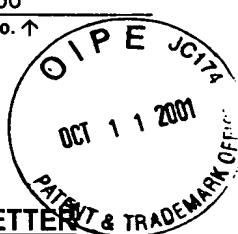
531,266

Serial No. ↑

Filed: March 20, 2000

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

REPLY/AMENDMENT/LETTER

Group Art Unit 1652

Examiner: Steadman, D.

Atty. Dkt. P 258100

990228 BT

M#

Client Ref

Appl. Title: New nucleotide sequences which code for the tal gene

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Date: October 11, 2001

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim						
A. <input checked="" type="checkbox"/> NOT made B. <input type="checkbox"/> Withdrawn C. <input type="checkbox"/> made herewith D. <input type="checkbox"/> made previously	For B & C See Required Separate Paper (Pat-256)					
	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	7	**minus 20	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	2	***minus 3	0	x \$80/\$40 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)		add	+ \$270/\$135 =	+ \$0		104/204
5. Original due Date: October 14, 2001	<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached	(1 mo) (2 mos) (3 mos) (Usable only for ≤ 2mo.OA --- 4 mos) (Usable only for 30 day/1mo.OA --- 5 mos)	\$110/\$55 = \$390/\$195 = \$890/\$445 = \$1390/\$695 = \$1890/\$945 =	+ \$0			115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract		- \$0				
8.		Extension Fee Attached	+ \$0			
9. If Terminal Disclaimer attached, add Rule 20(d) official fee		+ \$110/\$55	+ \$0			148/248
10. If IDS attached requires Official Fee under Rule 97 (c),	add	+ \$180				126
or if Rule 97(d) Request	add	+ \$180	+ \$0			126
11. After-Final Request Fee per rules 129(a) and 17(r)		+ \$710/355	+ \$0			146/246
12. No. of additional inventions for examination per Rule 129(b).....		x \$710/355 ea	+ \$0			149/249
13. Request for Continued Examination (RCE)		+ \$710/355	+ \$0			1179/1279
14. Petition fee for		+ \$0				
15.			TOTAL FEE ENCLOSED =	\$0		

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

Our Deposit Account No. 03-3975)

(Our Order No. 21123 258100

C# M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group

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NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments